IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 33148 of 2006(U)

PETITIONER:

T.SOMAN, S/O.THAMPI, LALU VILASOM,
AEROM, THADICADU P.O., ANCHAL, KOLLAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY, DEPARTMENT OF EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
NEAR GENERAL POST OFFICE, THIRUVANANTHAPURAM.

4. THE DISTRICT EDUCATION OFFICER,
PUNALUR.

5. THE ASSISTANT EDUCATION OFFICER,
PUNALUR.

6. THE HEADMISTRES, GOVERNMENT HIGHER
SECONDARY SCHOOL, ANCHAL (WEST),
KOLLAM DISTRICT.

7. THE STAFF SECRETARY,
GOVERNMENT HIGHER SECONDARY SCHOOL, ANCHAL (WEST),
KOLLAM DISTRICT.

8. THE DISTRICT COLLECTOR, KOLLAM.

9. THE SECRETARY, KERALA STATE HUMAN
RIGHTS COMMISSION, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHEE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.33148 OF 2006

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Dated this the 9th day of January, 2007

JUDGMENT

Case of the petitioner in short is as follows:

Petitioner's son is a student of the School of which the sixth respondent is the Headmistress. Son of the petitioner is implicated as an accused in Crime No. 418/2006 for an offence under Section 376 of the Indian Penal Code. He came to the court seeking direction to the sixth respondent not to restrain the son of the petitioner from attending classes and to take effective measures to ensure that the son of the petitioner continues his studies and attends the examination uninterruptedly, to conduct an enquiry against respondents 6 and 7 and to consider and take a decision on Exts.P5 and P8 besides Ext.P7.

2. When the matter came up on 19.12.2006, the learned Government Pleader on instruction submitted that the School authorities are not prohibiting the son of the petitioner from taking mid term examination. This submission was recorded. Further the Government Pleader was asked to file a statement on the allegation that the application of the son of the petitioner for the SSLC Examination

has not been accepted by the School authorities. Today when the matter came up learned Government Pleader on instruction submits that the sixth respondent has processed the application and it will be forwarded provided there is co-operation from the son of the petitioner. Petitioner submits that his son is going to School and he is obstructed by some School authorities. He submits that his son wants to continue the studies in the same School and he will co-operate with the authorities. Counsel for the petitioner submits that a decision should be taken on Ext.P5 with notice to him.

Accordingly, the writ petition is disposed of directing the fourth respondent to consider and take a decision on Ext.P5 in accordance with law after hearing the petitioner and the sixth respondent within a period of three weeks from the date of receipt of a copy of this judgment. I leave open the petitioner's contentions.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.